

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8941

IN THE MATTER OF:

Served September 2, 2005

Application of ELLERBE GROUP	)	Case No. AP-2005-125
CORPORATION, Trading as ELLERBE	)	
CORPORATION TRANSPORTATION SERVICE,	)	
for a Certificate of Authority --	)	
Irregular Route Operations	)	

By application accepted for filing August 5, 2005, Ellerbe Group Corporation, a District of Columbia corporation trading as Ellerbe Transportation Service, seeks a certificate of authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver.

This is applicant's third application. Applicant was first granted operating authority in 1996, but the issuance of a certificate of authority was expressly made contingent on applicant filing additional documents.<sup>1</sup> Applicant failed to file the necessary documents in a timely manner, thereby voiding the Commission's approval.<sup>2</sup>

Applicant re-applied and was again granted operating authority last year, contingent upon applicant filing additional documents.<sup>3</sup> Applicant failed to file the necessary documents in a timely manner, thereby voiding the Commission's approval for a second time.<sup>4</sup>

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<sup>1</sup> See In re Ellerbe Group Corporation, Trading as Ellerbe Corporation Transportation Service, No. AP-96-56, Order No. 4968 (Nov. 14, 1996) (conditionally granting Certificate No. 370).

<sup>2</sup> See id. (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).

<sup>3</sup> See In re Ellerbe Group Corporation, Trading as Ellerbe Transportation Service, No. AP-04-109, Order No. 8274 (Sep. 20, 2004) (conditionally granting Certificate No. 370).

<sup>4</sup> See id. (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).

Applicant proposes commencing operations with one van. Applicant's proposed tariff contains rates for transportation under a contract with Health Services for Children With Special Needs, Inc.

Applicant's Exhibit A does not include the seating capacity of the vehicle it plans to operate. Applicant will be directed to file an amended Exhibit A, which includes a vehicle list containing the make, model, seating capacity, and number of vehicles applicant will use initially.

Applicant's mandatory Exhibit C, a certificate of good standing from the District of Columbia Department of Consumer and Regulatory Affairs is dated April 5, 2004. Applicant will be directed to file one that is current.

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than September 16, 2005, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than September 30, 2005, an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than September 30, 2005, an amended Exhibit A, which includes a vehicle list containing the make, model, seating capacity, and number of vehicles applicant will use initially.

4. That applicant shall file with the Commission, no later than September 30, 2005, a certificate of good standing from the District of Columbia Department of Consumer and Regulatory Affairs dated after April 15, 2005.

5. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is September 30, 2005, and that copies must be served on applicant's president, John Bryd Ellerbe, 5212 4th Street, N.W., Washington, DC 20011.

FOR THE COMMISSION:



William S. Morrow, Jr.  
Executive Director